

having the ability to bind TNF, operatively linked to the DNA molecule coding for the polypeptide having the ability to bind to TNF.

158. A process for preparing a polypeptide having the ability to bind TNF, comprising producing the polypeptide in a recombinant host cell according to claim 142 under suitable conditions to express the DNA molecule contained therein to produce the polypeptide, and recovering said polypeptide.

159. A process for preparing a polypeptide having the ability to bind TNF, comprising producing the polypeptide in a recombinant host cell according to claim 144 under suitable conditions to express the DNA molecule contained therein to produce the polypeptide, and recovering said polypeptide.

REMARKS

The Applicants contend that no new matter has been added as a result of the above-described amendments. The amendments to the specification merely correct any improper reference to figures made in the specification and delete all reference to Sequence Identifiers in the specification; these amendments have been made pursuant to the Examiner's request.

The amendments to the claims have been made to correct inadvertent and typographical errors as a result of the numerous and extensive amendments that have been made to the claims during the prosecution of this application. In view of the significant number of claim amendments that have been made during the prosecution of this application, the Applicants attach both an informal clean (Exhibit A) and blackline (Exhibit B) set of the claims for the Examiner's convenience in preparing the allowed claims of the application for publication.

The Applicants also provide certified copies of Federal Republic of Germany patent application serial no. DE-P 39 20 282.8 and European (EPO) patent application serial no. 90106624.1 from which the present application claims priority.

The attached PTO-1449, containing information about a reference (Shimuzu et al., 1983) cited in a Request for Examination After Final sent June 10, 1997, is provided to ensure compliance with M.P.E.P. §§ 609 and 707.05(b). The Applicants also respectfully request that the Examiner please provide an additional initialed copy of the PTO-1449 submitted with the Information Disclosure Statement of August 4, 1997, as the Applicants seek confirmation that the references disclosed at that time have been considered by the Examiner.

The Applicants would like to bring the pendency of U.S. Patent App. Serial No. 08/484,783 ('783 application), filed June 7, 1995, to the Examiner's attention (M.P.E.P. 2001.06(b)). As originally filed, the listed inventors were Tadahiko Kohno, Dave Kachensky, and Milton Harris. On the date of invention, Mr. Kachensky had an obligation to assign his rights to Synergen, Inc., and Mr. Harris did not. In 1995, Synergen, Inc. became a subsidiary of Amgen, Inc., and was subsequently renamed Amgen Boulder Inc. On December 31, 1997, Amgen Boulder Inc. was merged with and into Amgen Inc., under the name of Amgen Inc.

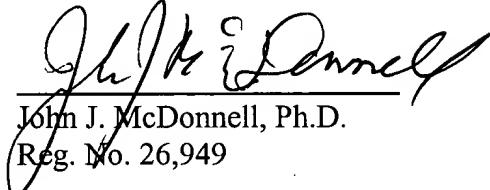
The '783 application claims priority from and incorporates by reference U.S. Patent App. Serial No. 07/555,274 ('274 application), filed July 19, 1990. The '274 application is a continuation-in-part of co-pending U.S. Patent App. Serial No. 07/479,661, filed February 7, 1990, which is in turn a continuation-in-part of U.S. Patent App. Serial Nos. 07/381,080, filed July 18, 1989, and 07/450,329, filed December 11, 1989, for "Tumor Necrosis Factor (TNF) Inhibitor and Method for Obtaining the Same." Prior to issuance of a restriction requirement or first office action in the '783 application, Applicants amended the claims, which are supported by the teachings of and entitled to a priority date at least as early as the filing of the '274 application.

The '783 application is presently assigned to Synergen, Inc. and U.S. Patent App. Serial No. 08/383,676 ('676 application) was previously assigned to Synergen, Inc. The subject matter of the '676 application was not assigned to Synergen, Inc. at the time of invention and, with respect to those claims having priority from the '274 application, the subject matter of the '783 application was assigned to Synergen, Inc. at the time of invention. However, the Applicants intend to pursue separately patentable subject matter in the '676 application on the one hand and in the '783 application on the other hand.

As the present application is assigned to Amgen, Inc., the Applicants enclose a check in the amount of \$1,290.00 for payment of the patent issue fee by other than a small entity, pursuant

to 37 C.F.R. 1.18(a). The Applicants respectfully request that the Examiner direct any inquiries regarding this communication to the undersigned representative at 312-913-2110.

Dated: August 27, 1999


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